

SENATE—Thursday, January 21, 1999

The Senate met at 1:01 p.m., and was called to order by the Chief Justice of the United States.

TRIAL OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

The CHIEF JUSTICE. The Senate will convene as a Court of Impeachment. The Chaplain will offer a prayer.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear God, You know what we need before we ask You but, in the asking, our minds and hearts are prepared to receive Your answer. In this impeachment trial, we have learned again that really listening over a prolonged period of time is hard work. Often it is difficult to hear what is being said because of differing convictions. Dissonance causes discordant static. Sometimes our preconceptions about what we think will be said keep us from hearing what actually is said. Thank You for the commitment of the men and women of this Senate to serve You and our Nation by accepting the demanding responsibility of listening for and evaluating truth. Grant them renewed energy, sensitive audio nerves, and discerning minds. For Your glory and the good of America. Amen.

The CHIEF JUSTICE. The Sergeant at Arms will make a proclamation.

The Sergeant at Arms, James W. Ziglar, made proclamation as follows:

Hear ye! Hear ye! Hear ye! All persons are commanded to keep silent, on pain of imprisonment, while the Senate of the United States is sitting for the trial of the articles of impeachment exhibited by the House of Representatives against William Jefferson Clinton, President of the United States.

The CHIEF JUSTICE. The Chair recognizes the majority leader.

Mr. LOTT. Thank you, Mr. Chief Justice.

ORDER OF PROCEDURE

Mr. LOTT. Today, we will conclude the presentation of the White House counsel. I understand that the presentation will last approximately 4½ hours. As we have done previously, we will take periodic breaks throughout the proceedings, with the first one coming in approximately 1 hour and 15 minutes. I believe that will be approximately midway in the presentation of Mr. Counsel Kendall. Then we would probably take at least one more break so that the Senators and Chief Justice would have a chance to stretch and so we will have some logical break in the presentations. As a reminder, we will

convene tomorrow at 1 p.m. to resume consideration of the articles.

At this point, I ask the indulgence of the Chief Justice and all Senators as we take up some routine matters before we resume consideration of articles. These have been precleared.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. I ask unanimous consent, notwithstanding the consideration of articles, that it be in order at this time to conduct several routine legislative matters.

The CHIEF JUSTICE. Without objection, it is so ordered.

MEASURES READ FOR THE FIRST TIME—S. 269, 270, AND 271

Mr. LOTT. Mr. Chief Justice, there are three bills at the desk. I ask the bills be considered read the first time. I further ask the bills be read a second time en bloc, and I object to my own request.

The CHIEF JUSTICE. Without objection, it is so ordered.

Mr. LOTT. The bills will be read a second time on the next legislative date, as I understand it.

The CHIEF JUSTICE. The leader is correct.

The bills read the first time are as follows:

S. 269, a bill to state the policy of the United States regarding the deployment of a missile defense system capable of defending the territory of the United States against limited ballistic missile attack;

S. 270, a bill to improve pay and retirement equity for members of the Armed Forces; and for other purposes;

S. 271, a bill to provide for education flexibility partnerships.

AMENDING PARAGRAPH 1(m)(1) OF RULE XXV

Mr. LOTT. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 28 which would change the words "Handicapped individuals" to "Individuals with disabilities" in Rule XXV.

I further ask consent the resolution be agreed to and the motion to reconsider be laid upon the table.

The CHIEF JUSTICE. Is there objection?

Without objection, it is so ordered.

The resolution (S. Res. 28) was agreed to as follows:

S. RES. 28

Resolved, That paragraph 1(m)(1) of Rule XXV is amended as follows:

Strike "Committee on Labor and Human Resources" and insert in lieu thereof "Com-

mittee on Health, Education, Labor, and Pensions".

Strike "Handicapped individuals" and insert in lieu thereof "Individuals with disabilities".

Mr. LOTT. That concludes our regular business.

TRIAL OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

Mr. LOTT. I believe we are prepared for the concluding presentation by the White House counsel.

I yield the floor, Mr. Chief Justice.

THE JOURNAL

The CHIEF JUSTICE. If there is no objection, the Journal of proceedings of the trial are approved to date. Under the provisions of Senate Resolution 16, the counsel for the President have 18 hours and 9 minutes remaining to make their presentation of their case.

The Presiding Officer now recognizes Mr. Counsel Kendall.

Mr. Counsel KENDALL. Mr. Chief Justice, Members of the Senate, managers from the House of Representatives, good afternoon. I am David Kendall of the law firm of Williams & Connolly. Since 1993 it has been my privilege to represent the President in the tortuous and meandering White-water investigation which, approximately a year ago, was transformed in a remarkable way into the Lewinsky investigation.

I want to address this afternoon certain allegations of obstruction of justice contained in article II of the articles of impeachment. Mr. Manager SENSENBRENNER remarked that no prior article allegation of obstruction of justice has ever reached this Chamber. So this is a case of first impression.

Deputy Counsel Cheryl Mills yesterday addressed the parts of article II pertaining to gifts and the President's conversations with Ms. Currie. I will cover, this afternoon, the remaining five subparts of article II. The evidence plainly shows that the President did not obstruct justice in any way and there is nothing in this article which would warrant his removal from office.

As I begin, I want to thank you for your open minds, for your attention, for your withholding judgment until you have heard all of our evidentiary presentation. There are a lot of myths about what the evidence is in this case. Some of them are misunderstandings based upon erroneous media reports, some spring from confusion in the evidence itself, and some are the result of concerted partisan distortion.